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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,158	12/15/2000	Lahcen Bennai	Q62302	8386
23373	7590	08/03/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			JUNTIMA, NITTAYA	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/736,158	BENNAI ET AL.
	Examiner Nittaya Juntima	Art Unit 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 24 May 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 2 and 4 is/are allowed.

6)  Claim(s) 1,3,5 and 6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 15 December 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This action is in response to the amendment filed on 5/24/2005.
2. The objection to the claims are withdrawn in view of applicant's amendment.
3. Claims 2 and 4 are allowed.
4. Claims 1, 3, and 6 are presently rejection under 35 U.S.C. 112.
5. Claims 1, 3, 5, and 6 are presently rejected under 35 U.S.C. 103(a).

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the limitation "said format" in line 9 of the claim is vague and indefinite. It cannot be determined from the claimed language as whether "said format" refers to the format of the ISDN standard or the format conforming to another standard. Therefore, the claim is vague and indefinite. The office is treating the limitation as "said format conforming to the another standard."

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chitre et al. (“Chitre”) (USPN 5,572,530) in view of Valentine et al. (“Valentine”) (USPN 6,044,070).

Per claim 1, Chitre teaches a method of transmitting signaling data which relates to a telephone connection (ISDN call originated from one of the ISDN PBXs) having both signaling data (ISDN signaling messages) and message content parts (voice signals from ISDN PBX in Fig. 1), the method includes setting up a channel that conforms to another standard and does not conform to the ISDN standard (a satellite signaling channel is set up for a duration of a call, col. 2, ll 59-col. 3, ll 1-11), converting the signaling data conforming to ISDN standard into data in a format accepted by the channel conforming to the another standard and sending the converted signaling data (ISDN signaling is converted to CPP signaling and sent over a satellite signaling channel), and when it is received, converting the signaling data reciprocally into signaling data conforming to the ISDN standard format (at the terminating network, CPP signaling is converted back to ISDN signaling). See Fig. 2, col. 4, ll 58-col. 5, ll 1-18.

However, Chitre does not teach the format conforming to the another standard comprising discrete units of data to be sent, and said converting step including adding order information to each discrete data unit for enabling a signaling data receiver to determine if all units of data have been received.

In a similar situation of converting and packetizing one form of signaling packet (e.g. X.25 signaling packet) into another form of packet, Valentine teaches that a format conforming to the another standard (TCP/IP) comprises discrete units of data to be sent (number of TCP/IP

packets must be sent), and that an order information (a sequence number in a TCP header) must be added to each discrete data unit (TCP/IP packet) to enable a signaling data receiver (e.g. a host node 210 in Fig. 4) to determine if all units of data have been received (as part of a TCP/IP packet, the sequence number is included in a TCP header to indicate the order of the packet received to a receiver and whether the packet is the last packet, e.g. using FIN flag in the TCP header combination of the sequence number). See col. 4, ll 43-57.

Given the teaching of Valentine, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Chitre to include the sequence number such that the format conforming to the another standard comprising discrete units of data to be sent, and said converting step including adding order information to each discrete data unit for enabling a signaling data receiver to determine if all units of data have been received as recited in the claim. The suggestion/motivation to do so would have been to packetize the signaling information into a packet conforming to another standard and enable a receiver to receive such packets in sequence.

Per claim 6, Chitre further teaches that data messages of said message content parts are sent on a channel other than said channel of a type that does not conform to the ISDN standard (user's information, i.e. voice signals, from ISDN B channel must be carried over a satellite channel different from a satellite signaling channel, col. 1, ll 34-49 and col. 2, ll 59-col. 3, ll 1-15).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chitre et al. ("Chitre") (USPN 5,572,530) in view of Valentine et al. ("Valentine") (USPN 6,044,070), and further in view of Estinto (USPN 6,411,797 B1).

Per claim 3, Chitre fails to teach that surveillance signals are sent periodically on the channel conforming to another standard, and correct operation of the channel conforming to the another standard is tested.

However, Estinto teaches that surveillance signals (a periodic test pattern) are sent on a satellite channel, and correct operation of the satellite channel is tested (a satellite channel is tested using a periodic test pattern, i.e. a known data sequence). See col. 2, ll 46-58 and col. 5, ll 44-60.

Given the teaching of Estinto, it would have been obvious to one skilled in the art at the time the invention was made to include that surveillance signals are sent periodically on the channel conforming to another standard, and correct operation of the channel conforming to the another standard is tested into the teaching of Chitre. The suggestion/motivation to do so would have been to utilizing the channel performance to reduce service downtime and provide useful reliability data for further transmission as taught by Estinto (col. 5, ll 57-61).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chitre et al. (“Chitre”) (USPN 5,572,530) in view of Valentine et al. (“Valentine”) (USPN 6,044,070), and further in view of Bales et al. (“Bales”) (USPN 5, 062,108).

Per claim 5, Chitre teaches all the limitations recited in the claim (see rejection of claim 1) including that the signaling data (ISDN signaling messages, col. 4, ll 31-46) comprises security data (since neither structure nor format of the security data is explicitly defined in the claim, security data reads on SETUP message shown in Fig. 2 because it includes user service information and calling party number which are considered to be security data, col. 5, ll 58-65 and col. 6, ll 50-56, 64-67), and message scheduling data (since neither structure nor format of

the scheduling data is explicitly defined in the claim, scheduling data reads on SETUP and RELEASE messages shown in Fig. 2 because they notify the network and the destination party that a transmission link is about to be set up and torn down, respectively).

The combined teaching of Chitre and Valentine does not explicitly teach that the signaling data comprises flow control data.

However, Bales teaches that the ISDN standard Q.931 controls the flow of data and signaling information between telecommunication switching systems, packet switching systems, and terminals (col. 1, ll 17-20). Therefore, the signaling data, ISDN Q.931 data, must comprise flow control data.

Given the teaching of Bales, it would have been obvious to one skilled in the art to modify the combined teaching of Chitre and Valentine to include that the signaling data comprises flow control data. The suggestion/motivation to do so would have been to enable the signaling data, e.g. ISDN signaling data, to control the flow of data and signaling between telecommunication switching systems and terminals as taught by Bales (col. 1, ll 17-20).

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima  
July 27, 2005

*AS*

*Ricky Ngo*  
RICKY NGO  
PRIMARY EXAMINER

*8/11/05*